



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WAGGONER CARR
ATTORNEY GENERAL**

July 27, 1965

**Mr. Charles H. King, Jr.
Commissioner
Bureau of Labor Statistics
Austin, Texas**

Opinion No. C-470

Re: Whether, under the provisions of Article 5159a, V. C.S., city employees doing plumbing work, under the stated facts, must be paid the prevailing wage scale.

Dear Mr. King:

You have requested an opinion of this office concerning the above captioned question under the following set of facts:

"A city in this State has recently undertaken a project of installing rest room facilities in several city parks. The plumbing work on these facilities is to be done by city employees and not by a plumbing contractor. All of the proposed work is new construction and not maintenance."

Article 5159a of Vernon's Civil Statutes reads in part as follows:

"Sec. 1. Not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which the work is performed, and not less than the general prevailing rate of per diem wages for legal holiday and overtime work, shall be paid to all laborers, workmen and mechanics employed by or on behalf of the State of Texas, or by or on behalf of any county, city and county, city, town, district or other political subdivision of the State, engaged in the construction of public works, exclusive of maintenance work. . . ." (Emphasis added.)

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Under the clear and unambiguous terms of the statute, it is clearly apparent that the city employees engaged in the construction of rest room facilities as outlined in the above stated facts must be paid the general prevailing wage rate as defined in Article 5159a.

SUMMARY

Employees of a city, engaged in the construction of rest room facilities as set out in the stated facts must be paid the prevailing wage rate as defined in Article 5159a.

Yours very truly,

WAGGONER CARR
Attorney General of Texas

By: 
ROBERT W. NORRIS
Assistant Attorney General

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APPROVED

OPINION COMMITTEE

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